

# HOUSE BILL REPORT

## SHB 1691

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### As Amended by the Senate

**Title:** An act relating to embalmers.

**Brief Description:** Concerning embalmers.

**Sponsors:** House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Anderson, Springer, Eddy, Ryu, Morris and Stanford).

**Brief History:**

**Committee Activity:**

Business & Financial Services: 2/1/11, 2/4/11 [DPS].

**Floor Activity:**

Passed House: 2/26/11, 97-0.

Senate Amended.

Passed Senate: 4/12/11, 47-0.

**Brief Summary of Substitute Bill**

- Allows educational institutions offering embalming training programs to receive human remains that a county is required to provide for the disposition of at public expense.

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### HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Buys, Assistant Ranking Minority Member; Blake, Condotta, Hudgins, Hurst, Parker, Pedersen, Rivers, Ryu and Stanford.

**Staff:** Alison Hellberg (786-7152).

**Background:**

Counties are responsible for providing for the disposition of the remains of any indigent person whose body is unclaimed by relatives or a church organization. Remains of persons that will be buried at the public expense are required to be surrendered to a physician or

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surgeon. These bodies must be used for the advancement of anatomical science. Preference is given to medical schools in this state for their use in the instruction of medical students.

Embalmers are regulated by the Department of Licensing. In order to be licensed, an applicant must complete the required education in mortuary science, complete an embalmer internship, and successfully pass an examination.

**Summary of Substitute Bill:**

A public agency required to provide for the disposition of human remains at public expense may surrender the remains to an accredited educational institution offering funeral services and embalming programs. The bodies must be used in training embalming students under the supervision of a licensed embalmer.

**EFFECT OF SENATE AMENDMENT(S):**

Under current law, if a decedent has not made a prearrangement for the disposition of his or her remains, the duty of disposition and liability for the costs devolves upon certain persons in a specified order. The amendment modifies this provision and establishes the designated agent of the decedent as the first in the list of those responsible for disposition. The direction of the designated agent is sufficient to direct the type, place, and method of disposition. The agent must be designated through a written document signed and dated by the decedent in the presence of a witness.

If it is the adult children of a decedent who are responsible for the disposition of his or her remains, it must be the majority of the surviving adult children. If it is the siblings of a decedent who are responsible for the disposition of his or her remains, it must be the majority of the siblings. A court-appointed guardian for the person at the time of person's death is added as a person potentially responsible for the disposition of the person's remains. A person acting as a representative of the decedent is deleted as a person potentially responsible for the disposition of the person's remains.

The amendment also modifies provisions regarding the liability of a funeral establishment or a cemetery authority. A cemetery authority or funeral establishment is not liable for cremating human remains if a government agency or charitable organization provides funds for the disposition of the remains, rather than not being liable only if the government agency provides the funds and elects to provides funds for cremation only.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Lake Washington Technical College recently received accreditation and is the only comprehensive embalming program in the state. To become an embalmer, a student must perform at least 10 embalmings. Most other mortuary programs have access to human remains and are able to provide this educational opportunity to students. Because of Washington's law, Washington programs are unable to provide this. It is easier and a better learning opportunity to do at school. Lake Washington Technical College has all of the proper refrigerators and facilities.

This would also benefit the community by helping to provide for the proper disposition of indigent remains. The county's indigent program is going broke and the need is rising. In most situations, indigent persons are ultimately cremated because of cost issues. This program would save tax dollars because student fees would pay for cremation charges.

(Opposed) None.

**Persons Testifying:** Erin Wilcox, Lake Washington Technical College.

**Persons Signed In To Testify But Not Testifying:** None.